

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PROPOSED MODIFICATION TO****CALIFORNIA CODE OF REGULATIONS****TITLE 8: Chapter 4, Subchapter 4, Article 32, Section 1740(b)
of the Construction Safety Orders****Storage and Use of Fuel Gas Cylinders**

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written and oral comments on the above-named standards in which modifications are being considered as a result of public comments and/or Board staff consideration.

On March 15, 2007, the Standards Board held a Public Hearing to consider revisions to Title 8, Section 1740 of the Construction Safety Orders. The Standards Board received written comments on the proposed revisions. The standards have been modified as a result of these comments and Board consideration.

A copy of the full text of the standards with the modifications clearly indicated are attached for your information. In addition, a summary of all comments regarding the original proposal and staff responses is included.

Any written comments on these modifications must be received by 5:00 p.m. on May 25, 2007, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The standards will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to Keith Umemoto, Executive Officer at (916) 274-5721.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Date: May 7, 2007

Keith Umemoto, Executive Officer

PROPOSED MODIFICATIONS
(Modifications are indicated in bold,
double underline wording for new language,
and bold, strikeout for deleted language.)

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend Section 1740 to read as follows:

§1740. Storage and Use of Cylinders.

(a) All gas cylinders shall be protected against undue absorption of heat.

(b) Acetylene and Fuel Gas cylinders, including but not limited to welding and cutting fuel gas cylinders, shall be stored and used with the valve end up. Cylinders containing oxygen, acetylene or fuel-gases shall not be taken into confined spaces.

Exception: Fuel gas cylinders containing fuel gas used to power industrial trucks regulated by Article 25 of the General Industry Safety Orders.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

SUMMARY AND RESPONSE TO COMMENTS

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS:

I. Oral Comments

There were no oral comments received at the March 15, 2007, Public Hearing in San Diego, California.

I. Written Comments

Mr. Larry Pena, Southern California Edison, by letter received on March 15, 2007.

Comment:

Mr. Pena suggested modifying the proposal by placing the words “used in welding and cutting operations” after “fuel gas cylinders” so as not to conflict with powered industrial truck fuel gas cylinders which are mounted in the horizontal position with the valve end to one side in accordance with the manufacturers design.

Response:

The Board agrees with Mr. Pena that as currently proposed the language in section 1740(b) would conflict with powered industrial truck fuel tank cylinders and the applicable national consensus standards which manufacturers are required by Title 8 to comply with. The Board proposes to modify the language by placing an Exception statement following subsection (b), which would exclude fuel gas cylinders containing fuel gas used to power industrial trucks regulated by Article 25 of the General Industry Safety Orders.

The Board thanks Mr. Pena for his comment and participation in the Board’s rulemaking process.